IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

FRIDAY, THE 15TH JUNE 2007 / 25TH JYAISHTA 1929

WP(C).No. 15638 of 2007(J)

PETITIONER:

P.MUHAMMEDALI, AGED 36,
S/O LATE AYAMU, PACHIYATH HOUSE,
KADAMPUZHA P.O., MALAPPURAM DISTRICT.

BY ADV. SRI.GEORGE ABRAHAM

RESPONDENTS:

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1. MANAGER, KADAMPUZHA AIDED L.P.SCHOOL,
KADAMPUZHA, KUTTIPPURAM.

2. ABDUL LATHEEF,
MANAGER, KADAMPUZHA AIDED L.P.SCHOOL,
KADAMPUZHA, KUTTIPPURAM.
RESIDING AT KOTTAYIL HOUSE, KALLINGALPARAMBA,
KALPAKAMCHERY P.O.

3. THE ASSISTANT EDUCATIONAL OFFICER,
KUTTIPURAM.

4. THE DEPUTY DIRECTOR OF EDUCATION,
MALAPPURAM.

5. THE DIRECTOR OF PUBLIC INSTRUCTION,
THIRUVANANTHAPURAM.

6. STATE OF KERALA,
REP. BY THE SECRETARY TO GOVERNMENT,
GENERAL EDUCATION DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM.

BY SR. GOVERNMENT PLEADER SRI.V.T.K.MOHANAN
SRI.K.RAMACHANDRAN
SMT.R.MEERA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 15/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

EXT.P1: TRUE COPY OF ORDR OF DPI DT. 19/7/2005.

EXT.P2: TRUE COPY OF PROCEEDINGS OF AEO DT 27/8/2005.

EXT.P3: TRUE COPY OF AEO'S COMMUNICATION DT. 29/10/2005.

EXT.P4: TRUE COPY OF ORDER DT. 14/12/2005 BY D.D.E.

EXT.P5: TRUE COPY OF REPRESENTATION DT. 14/2/2007.

EXT.P6: TRUE COPY OF ORDER OF STAY OF DDE DT. 23/2/2007.

EXT.P7: TRUE COPY OF HEARING NOTE DT. 25/4/2007.

EXT.P8: TRUE COPY FO APPEAL DT. 15/5/2007

RESPONDENTS' EXHIBITS:

EXT.R2(A): TRUE COPY FO CONSENT LETTER.

EXT.R2(B): TRUE COPY FO MINUTES OF PTA.

EXT.R2(C) TRUE COPY OF LETTER DT. 30/9/2006.

EXT.R2(D): TRUE COPY FO COMMUNICATION OF SUB DISTRICT EDUCATIONAL OFFICER DT. 6/10/2006.

EXT.R2(E): TRUE COPY OF ORDER OF R4.

EXT.R2(F): TRUE COPY OF NEWS REPORT DT.25/5/2007.

A.K. Basheer, J.

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W.P(C) No. 15638 of 2007

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Dated this the 15th day of June, 2007.

J U D G M E N T

Petitioner claims that he is the President of the Parent-Teachers' Association of Kadampuzha Aided L.P. School. He impugns the order passed by the Deputy Director of Education permitting the management to shift the school to a site about 500 meters away. Though a copy of the above order was not produced along with the writ petition, it has now come on record as Ext.R2(e). The above order has worked itself out in the sense the school has been shifted to the new site. However petitioner contends that the office of the school is still functioning in the building at the old site. Petitioner has raised several contentions in support of his plea that the order passed by the Deputy Director of Education is totally illegal, vitiated and without jurisdiction.

2. Per contra it is pointed out by the Manager that the PTA had in fact given its concurrence to the decision taken by the management to shift the school way back in the year 2005. Ext.R2 (b) is stated to be the resolution passed by the Association in this regard. Anyhow, I do not propose to deal with any of the rival contentions at this stage, in view of the limited prayer made by the learned counsel at the Bar. He submits that petitioner has taken up the matter before the Government in revision. The limited prayer is to issue a direction to the Government to consider and pass orders on Ext.P8 revision petition field by the petitioner, expeditiously.

3. Learned Government Pleader submits that the Government

will consider the matter and pass an appropriate order thereon, expeditiously.

In the above facts and circumstances the writ petition is disposed of with a direction to respondent No.6 to consider and pass orders on Ext.P8 strictly on its merit and in accordance with law, as expeditiously as possible, at any rate within two months from the date of receipt of a copy of this judgment. Needless to mention that the petitioner, the Manager and all others concerned shall be afforded sufficient opportunity to be heard before any orders are passed in the revision petition. If, in the meanwhile, new Office bearers are elected to the PTA, they shall also be afforded sufficient opportunity to be heard.

A.K. Basheer

Judge.

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